

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	4:08CR3020
	)	
Plaintiff,	)	<b>MEMORANDUM</b>
v.	)	<b>AND ORDER</b>
	)	
CHARLES KEITH MOSS,	)	
	)	
Defendant.	)	

This matter is before the court on a report and recommendation by Magistrate Judge Piester ([filing 40](#)), recommending that the defendant's motion to suppress ([filing 28](#)) be granted. Pursuant to NECrimR 57.3 and 28 U.S.C. § 636(b)(1), the government has filed a statement of objections to the report and recommendation ([filing 44](#)). The government objects to Judge Piester's findings and conclusions that (1) the officer who performed a roadside search of the defendant's vehicle lacked reasonable suspicion to detain the defendant and (2) the defendant did not voluntarily consent to the search.

I have conducted a de novo review of the record. I find that inasmuch as Judge Piester has fully, carefully, and correctly found the facts and applied the law, the government's objections should be denied, the report and recommendation should be adopted, and the defendant's motion to suppress should be granted.

Accordingly,

IT IS ORDERED that:

1. The magistrate judge's report and recommendation ([filing 40](#)) is adopted;

2. The government's objections to the report and recommendation ([filing 44](#)) are denied; and
3. The defendant's motion to suppress ([filing 28](#)) is granted. All evidence seized from the vehicle driven by the defendant on January 24, 2008, and the statement that the defendant made at the scene of the traffic stop to Deputy Sheriff Jensen shall not be admissible in evidence.

July 21, 2008.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge